

TOWN OF CARLISLE

TOWN ROAD ACCEPTANCE PROCEDURE

1. The first step in converting a subdivision road to an accepted town road is a petition by the owner of the subdivision road to the Selectmen to lay out the way. The following items must be submitted with the letter:
 - a. An executed deed conveying the fee simple or easement in the road to the Town of Carlisle. The Town will hold this deed in escrow until the final decision on acceptance is made. If the road is accepted the Town will record the deed. If it is not accepted, the deed will be returned.
 - b. The Order of Layout Specifying by courses and distances the location of the way, and the plan. The Order of Layout and plan will be reviewed by Town Counsel. The Selectmen must refer the proposed laying out to the Planning Board for its recommendation.
3. The Selectmen will give interested parties a notice of their intention to lay out the way.
4. The Selectmen must lay out the way by formal vote or order referencing the Order of Layout and plan, no sooner than seven (7) days after notification of interested parties.
5. The Selectmen must then file the Order of Layout with the Town Clerk, at least seven (7) days before Town Meeting.
6. There must be proper articles in the town meeting warrant for the acceptance of the laying out, and, if any money is needed for construction or land damages, articles for raising and appropriating the necessary fund. The warrant article should include the following language: "To authorize the Board of Selectmen to acquire the necessary rights either by easement or fee simple through purchase, gift, eminent domain, or otherwise."
7. There must be a vote of the Town Meeting accepting the laying out.
8. There must be an appropriation of the estimated cost, if any. If this money is to be borrowed, there must be a two-thirds vote.

9. If it is necessary to acquire the land for the location of the way by eminent domain, an order of taking must be adopted by the Selectmen within 30 days after the close of the town meeting.

10. The order of taking must be recorded in the Registry of Deeds within 30 days after it has been adopted by the Selectmen.

11. A certificate of entry and possession should be recorded within two years after the date of the order of taking, in order to establish that permission was in fact accomplished.

12. Notice should then be given to every person whose property has been taken or who is otherwise entitled to damages.

The requirements of items 1,2,3,4,5,6,7,and 12 are mandatory and 8,9,and 10 are also mandatory if the circumstances require them. Item 11 is not mandatory but is effective to show taking of possession. If the mandatory provisions are not carried out, the way is not legally established as a town way, and the town has no right to spend town funds in constructing such a way or keeping it in repair.